

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PHILLIP CORDELL,

Plaintiff,

:

Case No. 3:10-cv-212

-vs-

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

JOHN DOE McKINNY, Deputy Sheriff,

Defendant.

**DECISION AND ORDER DENYING PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL
WITHOUT PREJUDICE AND GRANTING PLAINTIFF'S MOTION TO SUBMIT A REDUCED
NUMBER OF COPIES**

This case is before the Court on Plaintiff's Motion to Appoint Counsel (Doc. No. 2). Assuming Plaintiff obeys the Court's Order to complete his application for leave to proceed *in forma pauperis* and is found qualified under 28 U.S.C. § 1915, he would qualify for appointed counsel under that statute. However, although Congress authorized the federal courts to appoint counsel under § 1915, it has never appropriated any funds to pay such appointed counsel and the Court cannot force an attorney to accept a case without compensation. *Mallard v. United States District Court*, 490 U.S. 296, 309 (1989). Therefore this Court refers requests for appointment of counsel in these cases to the Volunteer Lawyers Project (the "VLP") of the Dayton Bar Association. If Plaintiff files a renewed motion for appointment of counsel and requests screening by the VLP, the Court will refer the case to VLP. VLP will then have the case screened by independent counsel. If after screening the case is found to have merit, VLP will attempt to find an attorney who will accept it on a contingent fee basis. The screening usually takes 90-120 days. Plaintiff's present Motion for Appointment of Counsel is denied, but a new motion will be referred if requested.

The case is also before the Court on Plaintiff's Motion to Submit a Reduced Number of Copies (Doc. No. 3). That Motion is GRANTED as to the Complaint, but this permission does not apply to any other filings in the case. In general, filings after the Complaint will be served on defense counsel through the Court's electronic filing system and additional copies need not be submitted.

June 8, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge